

No. 3700.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government at public expense, for a public purpose, namely Providing Water Supply Scheme Bhiwani town, it is, hereby notified that the land in the locality described in the specification below is required for the above purpose.

This notification is made under the Provision of Section 4 of the Land Acquisition Act of 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana is pleased to authorise the Officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land who has any objection to the Acquisition thereof may within 30 days of Publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., Building and Roads (Public Health) Haryana, Ambala Cantt.

SPECIFICATION

District	Tehsil	Name of Village	Area in Acres	Area & Boundary	Locality Khasra No.
Bhiwani	Bhiwani	Moja Palwas	40.80		108
				19, 20, 21, 22, 16, 23/1, 23/2, 24, 25	
				109	
				11, 12, 13, 14, 15, 16, 17, 18, 19 20, 21,	
				109	
				22, 23, 24, 25	
			110	111	112
			15, 16, 25	4, 5	1, 2, 3, 4, 5
				113	
			1/1, 1/2, 2/1, 2/2, 3, 4, 5.		
			Number 235	36.00	Canals.

(Sd.) . . . ,
Superintending Engineer,
P. W. D., Public Health Circle,
Hissar.

LABOUR DEPARTMENT

The 9th March, 1973

No. 2213-4Lab-73/7934.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Rohtak in respect of the dispute between the workmen and management of M/s Everest Plastic and Chemicals, Yamuna Nagar.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 147 of 1972

between

SHRI KALU RAM AND THE MANAGEMENT OF M/S EVEREST PLASTIC AND CHEMICALS,
YAMUNANAGAR

Present.—

Shri Kalu Ram, Workman concerned.

Shri R. L. Gupta and Shri B. P. Bansal, for the Management.

AWARD

By order No. ID/Amb/207-A-72/14787-91, dated 19th April, 1972 of the Governor of Haryana, the following dispute between the Management of M/s Everest Plastic and Chemicals, Yamuna Nagar and its workman Shri Kalu Ram was referred for adjudication to the court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of services of Shri Kalu Ram was justified and in order ? If not, to what relief is he entitled ?"

On receipt of the "order of reference" usual notices were given to the parties. Shri Kalu Ram concerned workman reiterated his claim for reinstatement and back wages as earlier raised through the demand notice leading to the present reference contending that his services had been terminated by the management without any justification. On the other hand, the management took the plea that this workman was in the habit of remaining absent from duty frequently. Without any proper authorisation, and the warning given to me having had no effect he was given the charge-sheet and his explanation having been found to be not satisfactory, an inquiry against him was held. It was further urged that the aforesaid charge of habitual absence having been fully established against him in the said inquiry he was considered to be an undesirable and unwilling worker and he was, therefore, dismissed from service. Shri Kalu Ram contradicted the above allegations in his replication.

From the pleadings of the parties, the following two issues arose for determination in the case :—

- (1) Whether the workman Shri Kalu Ram was in the habit of remaining absent frequently without leave beside his regular leave on various grounds and there was no improvement in spite of repeated verbal instructions and written warning dated 10th April, 1971 ?
- (2) Whether the termination of services of Shri Kalu Ram was justified and in order ? If not, to what relief is he entitled ?

The management has brought on record the inquiry proceedings and two witnesses have been examined to prove the same, namely; the Inquiry Officer Shri Satpal Singh, Works Manager, M.W. 1, Shri Sita Ram, ex-Manager, M.W. 2. The Inquiry Officer has proved his letter of appointment, Ex. M. 1, intimation of inquiry to the workman, Ex. M. 2. sent to him under registered cover Ex. M. 3, A.D. receipt Ex. M. 4, another intimation of inquiry Ex. M. 5, the record of the inquiry proceedings (4 leaves), Ex. M. 6, inquiry report Ex. M. 7. According to the Inquiry Officer this workman had failed to appear before him in spite of service and he had, therefore, to proceed *ex parte* against him. He has further stated that from the evidence brought before him by the management including the attendance register, the charge of habitual absence had been fully established against Shri Kalu Ram.

M.W. 2, Shri Sita Ram, the then Manager has also sworn testimony to the fact that this workman was in the habit of absenting himself from duty from time to time without any leave or proper authorisation and the warning given to him in this behalf,—*vide* Ex. M. 10, giving details of his unauthorised absence for 45 days having had no desirable effect; an inquiry was got conducted against him after giving the due charge-sheet and the aforesaid charge having been established in the inquiry, he was, therefore, dismissed from service.

Shri Kalu Ram, the concerned workman has not produced any evidence, oral or documentary, except for making his own statement. He has denied the above-mentioned charge levelled against him by the management. He has further stated that he had been taken ill and could not, therefore, appear before the Inquiry Officer and had sent his leave application. In cross-examination, however, he had admitted that he had received no intimation from the management regarding the sanction of his said leave.

The case has been argued on both sides and I have given a careful consideration to the facts on record and the contention raised on both sides. As would be clear from the facts discussed above, the main charge against this workman was that he was in the habit of absenting himself from duty without any proper authorisation and when the warning given to him in this behalf,—*vide* Ex. M. 10 giving details of his unauthorised absence from duty for 45 days had no desirable effect, inquiry was got conducted against him after giving him the due charge-sheet. From the statement of the Inquiry Officer read with the record pertaining to the inquiry it is clear that the Inquiry Officer had given him due intimation of the inquiry and when he failed to appear in spite of notice he had no alternative but to proceed *ex parte* against him. There is nothing on the record to indicate that the Inquiry Officer was biased or prejudiced against this workman or that he had violated any principle of natural justice in conducting the inquiry. The management had produced the relevant attendance record and other evidence to prove the aforesaid charge against this workman. Taking into consideration the facts on record, I do not find anything wrong about the inquiry held against this workman. His plea that he could not appear before the Inquiry Officer due to illness has not been sustained by any satisfactory evidence. No medical certificate has been produced nor has it been shown; that he had obtained leave during the period in question on account of his illness or otherwise.

In the circumstances, the inquiry conducted by the management against this workman has got to be upheld and the charge of habitual absence from duty without any proper authorisation having been fully established

in the said inquiry, the management was perfectly justified in dispensing his services and that being so, he is not entitled to any relief by way of reinstatement and back wages. The award is made accordingly. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated 26th February, 1973.

No. 690, dated 28th February, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2215-4Lab-73/7988.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Dua Woollen Mills, Bahadurgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 38 of 1972

between

SHRI BABU RAM AND THE MANAGEMENT OF M/S DUA WOOLLEN MILLS,
BAHADURGARH

Present :

Shri Rajinder Singh, for the workman.

Shri O. P. Sharma, for the management.

AWARD

By order No. ID/RK/E22-A-71/1587, dated 20th January, 1972 of the Governor of Haryana, the following dispute between the management of M/s Dua Woollen Mills, Bahadurgarh and its workman Shri Babu Ram was referred for adjudication to this Court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Babu Ram was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, usual notices were given to the parties and they put in their respective written statements. The management resisted the claim of the workman on several grounds pleading *inter alia* that, as a matter of fact, he has himself abandoned service and received full and final settlement of his dues. The following issues were framed:—

- (1) Whether the applicant was a casual workman?
- (2) Whether the workman himself abandoned his job?
- (3) Whether the reference is illegal because the respondent industry has been closed?
- (4) If the above issues are found in favour of the applicant, whether the termination of his services was justified and in order? If not, to what relief is he entitled?

The management has examined its partner Shri Attar Chand M. W. I., who has proved some documents, applications of the workman for appointment Exs. M. 1 and M. 2, his application dated 31st August, 1971 for settlement of his account Ex. M. 3, payment voucher Ex. M. 4, all signed by him. The case was fixed for his evidence in rebuttal. He has not lead any evidence, oral or documentary, nor has he come forward to make his statement in support of his claim for reinstatement and back wages. His authorised representative Shri Rajinder Singh has stated that he had written to this workman to produce his evidence but there has been no response from him nor is he aware of his whereabouts and the fact whether he has been gainfully employed anywhere or not. In the circumstances, he has asked for a no dispute award.

In view of the facts stated above, the presumption is that this workman has abandoned service of his own accord on receipt of his full dues and that is apparently why he has not come forward to pursue his claim. A no dispute award, is therefore, made. No order as to costs.

O. P. SHARMA,

Dated, the 28th February, 1973.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 702, dated 28th February, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2341-4Lab-73/7990.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and management of M/s Nav Bharat Industries, Rohtak.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 95 of 1970

between

SHRI OM PARKASH AND THE MANAGEMENT OF M/S NAV BHARAT INDUSTRIES,
ROHTAK

Present :—

Shri S. N. Vats for the workman.

Shri Krishan Chand for the management.

AWARD

By order No. 90-SF-III-Lab-67/2881, dated 17th February, 1967 of the Governor of Haryana, the following dispute between the management of M/s Nav Bharat Industries, Rohtak and its employee Shri Om Parkash was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the action of the management in terminating the services of Shri Om Parkash was justified and in order ? If not, to what relief he is entitled ?"

On receipt of the order of reference usual notices were given to the parties and they put in their respective written statements. The workman reiterated his claim for reinstatement and back wages contended that his services had been illegally terminated. The management contested his claim denying the above allegation. The following issues were framed :—

- (1) Whether the claimant Shri Om Parkash has been victimised by the management on account of his trade union activities ?
- (2) Whether the inquiry held by the management against Shri Om Parkash is not valid on the grounds mentioned in the statement of claim, dated 22nd March, 1967 by the workman ?
- (3) If the above two issues are decided against the management, whether the action of the management in terminating the services of Shri Om Parkash is justified and in order ?
- (4) To what relief, if any, is Shri Om Parkash entitled ?

The management contended that issues Nos. 1 and 2 be decided first but this plea was rejected by my learned predecessor,—*vide* order, dated 23rd August, 1967. The management filed a Writ Petition against the above order. The parties have arrived at a mutual settlement in that Writ Petition on 8th December, 1972. The workman

concerned has received payment of Rs 600, in full and final settlement of his entire claims against the management, giving up his right of reinstatement or re-employment, as stated by the authorised representatives of the parties. A no dispute award is, therefore, given. There shall be no order as to costs.

Dated the 2nd March, 1973.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 758, dated 2nd March, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2212-4Lab-73/7992.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and management of M/s Lal Woollen and Silk Mills and (ii) Modern Woollen Mills, Kundli.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 58 of 1970

between

SHRI RAGHBIR AND THE MANAGEMENT OF M/S LAL WOOLLEN AND SILK MILLS AND
(ii) MODERN WOOLLEN MILLS, KUNDLI

Present :

Shri M. S. Rathi for the workman.

Shri D. C. Bhardwaj for the management.

AWARD

By order No. ID/RK/29309-13, dated 20th November, 1970 of the Governor of Haryana, the following dispute between the management of M/s Lal Woollen and Silk Mills and (ii) Modern Woollen Mills, Kundli and the workman Shri Raghbir was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of services of Shri Raghbir was justified and in order ? If not, to what relief is he entitled ?"

Usual notices were given to the parties and they put in their respective written statements. The workman reiterated his demand for reinstatement and back wages as earlier raised through the demand notice, dated 24th September, 1968. According to him the management of M/s Lal Woollen and Silk Mills, Kundli had employed him as a Gatekeeper in their factory about four years earlier and since he had joined a trade union named the General Workers' Union, Sonepat, the management got annoyed with him and terminated his services with effect from 6th August, 1968 without any charge-sheet or show-cause notice. On the other hand, the management of the Lal Woollen and Silk Mills, Kundli besides contending that the reference was vague took the plea that this workman had been engaged only in May, 1967 in a temporary capacity and he had himself left service with effect from 31st March, 1968. The management of Modern Woollen Mills, Kundli in a separate written statement filed in the case took up the plea that this workman had been employed in April, 1968 as a Watchman on a temporary basis and on 5th of August, 1968 when he was asked to explain the loss of some wooden planks which were under his direct control and supervision. He had given unsatisfactory explanation and had left service of his own accord when an inquiry was considered necessary against him. The following preliminary issue was framed in the case by my learned predecessor :—

Whether the workman himself left the service and collected his dues in full and final settlement ?

The management has examined one witness Shri Hari Parkash, Factory Incharge, M/s Lal Woollen and Silk Mills, Kundli, M.W. 1 and a copy of the registered sale deed, dated 14th March, 1967 has also been produced. The workman has made his own statement and his authorised representative Shri M. S. Rathi has also come into

the witness-box as W.W.'2. A certified copy of the statement of Shri Shyam Lal of M/s Lal Woollen and Silk Mills, Kundli made before the Authority under the Payment of Wages Act, Ex. W.W. 2/1 has also been relied upon.

The case has been argued on both sides. The contention raised on behalf of the workman is that three concerns, namely, Lal Woollen and Silk Mills, Modern Woollen Mills and H. M. Mehra & Sons, Kundli were located within the same premises with one main entrance and when his services were engaged it was not made clear to him on the rolls of which concern his name was kept. According to him he had put in service for four years before the same were terminated by the management on 6th of August, 1968. Even if it be assumed for the sake of argument that he was not aware whether his services as a Chowkidar has been engaged by the management of one mill or the other named above, his contention that he had put in service as Chowkidar under either management for four years before his services were terminated in the beginning of August, 1968, appears to be palpably false. The management has brought on record a copy of the registered sale deed, dated 14th March, 1967 by means of which the land for setting up the mills was purchased. The mills being not in existence before 14th March, 1967 there was no question of this workman having been engaged as a Chowkidar or gateman for a period of four years before his services were terminated. The plea raised on behalf of the management that he had been engaged on a temporary basis in May, 1967 and he had left service of his own accord after collecting his dues for the month of July, 1968 after a theft of some wooden planks which were under his direct control and supervision had taken place, appears to be correct. Having thus abandoned service of his own sweet will he is not entitled to any relief by way of reinstatement and back wages except for the few days of August, 1968 before his name was struck off the rolls on 6th August, 1968. The issue is decided against him and the award is accordingly made. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana, Rohtak.

Dated the 27th February, 1973.

No. 689, dated 28th February, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Labour Court, Haryana, Rohtak.

No. 1063-5Lab-73/8000.—With reference to Haryana Government Labour Department Notification No. GSR 244/C.A. 63/48/S. 112/72, dated the 6th October, 1972, and in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948) and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Factory Rules, 1952, published with erstwhile Punjab Government Notification No. 3686-LP-62/2600, dated the 29th May, 1952, namely :—

1. These rules may be called the Punjab Factory (Haryana Amendment) Rules, 1973.
2. In the Punjab Factory Rules, 1952, in Schedule V, appended to rule 102, after paragraph 7, the following paragraph 8 shall be added, namely :—
 - (a) Every person employed in any process specified in para 3 shall be examined by the Certifying Surgeon within fourteen days of his first employment in such process and thereafter shall be examined by the Certifying Surgeon at intervals of not more than three months.
 - (b) A health register in Form No. 17 containing the names of all persons employed in any process specified in para 3 shall also be maintained.
 - (c) No person after suspension shall be employed in any process specified in paragraph 3 without the written sanction of Certifying Surgeon and the same shall be entered in or attached to the Health Register."

No. 2214-4Lab-73/8003.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Atma Ram, Ram Kailash Oil, Cotton and Flour Mills, Karnal.